

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In re:)	
)	
Parker Broadcasting of Dakota License, LLC)	
)	MB Docket No. 16-69
Must-Carry Complaint Regarding)	CSR-8921-M
Television Station KRDK-TV,)	
Valley City, North Dakota)	
To: Office of the Secretary		
Attn: Chief, Media Bureau		

REPLY TO COMMENTS

Parker Broadcasting of Dakota License, LLC (“Parker”), hereby replies to the Comments filed by Gray Television Licensee, LLC (“Gray”) in the above-captioned matter. As set forth in Parker’s Complaint, KRDK-TV’s right to carriage on Channel 4 on Cable One’s systems in the Fargo, North Dakota DMA is clear. KRDK-TV (the “Station”) is a “local commercial television station” that has mandatory carriage status on the systems. KRDK-TV is authorized to operate on PSIP Channel 4, and has been since the institution of the PSIP system, and has requested carriage on that channel. Indeed, as shown in its Answer filed in this proceeding, even Cable One has agreed that it will no longer delay implementing KRDK-TV’s carriage on Channel 4. At this point the only obstacle to such carriage is Gray’s continued insistence that it is entitled to carriage of the digital multi-cast channel of its station KVLV-TV on Channel 4.¹ While Gray has requested a waiver of the Commission’s rules to provide it with its desired channel positioning rights, in the absence of such a waiver, KRDK-TV’s legal right to positioning on Channel 4 is clear. Recognizing this, Gray devotes its Comments largely to arguing that Parker’s Complaint is time-

¹ KVLV-TV broadcasts on over-the-air channel 44, virtual channel 11, and has never used Channel 4 for its PSIP.

barred, an assertion it bases largely on an e-mail it received from a third party unrelated to this dispute. As explained herein, however, Gray's assertion is utterly without merit. Even were Parker's August 2015 restatement of its must-carry election seen as a demand for carriage, Parker and Cable One have in fact been involved in ongoing negotiations regarding carriage and channel positioning of KRDK-TV since August of 2015 and, as a result, Cable One cannot be found to have denied carriage to the Station until its February 11, 2016 letter explicitly stating that it was doing so.

I. BACKGROUND

The channel positioning dispute that forms the basis of this proceeding has arisen almost exclusively from Gray's attempt to take advantage of a loophole in the Commission's rules to hold two Big-4 affiliations in the Fargo market and to suppress competition from KRDK-TV, an in-market station that it had previously operated pursuant to sharing agreements. To obtain Commission approval of its purchase of Hoak Media, Gray was forced to dissolve that arrangement, and it arranged for KRDK-TV to be spun off to a minority purchaser. To protect its economic dominance of the market, Gray moved the CBS affiliation previously held by KRDK-TV (then operated as KXJB) to a digital multicast channel of Gray's in-market station KVLV-TV. To protect KVLV-TV from competition from the newly independent KRDK-TV, Gray further requested an unprecedented waiver of the Commission's PSIP and channel positioning rules intended to strip from KRDK-TV its right to positioning on Channel 4.² The Waiver Request would instead relegate KRDK-TV to placement on Channel 38, a channel not even in the neighborhood of the market's Big 4 network affiliates on most MVPDs, including Cable One. While Gray now claims that it "understood" that KRDK-TV would not after closing seek carriage on Channel 4, this was never the understanding of Parker's current owner, nor was any such agreement ever a part of the purchase

² Petition for Waiver and request for Reassignment of PSIP Channels, filed Oct. 7, 2015 (the "Waiver Request").

documents embodying the sale of the Station to Parker's current owners.³ As a large, sophisticated broadcaster, one would have expected that if channel positioning were so critical to Gray, it would have incorporated this provision into the purchase documents, particularly in light of the fact that FCC rules and precedent require the exact opposite result of what it claims to have "understood." Parker will concede, however, and it agrees with Gray on, one thing – Commission resolution of the Waiver Request would be beneficial to all interested parties. As Parker has previously shown, however, Commission precedent, as well as principles of equity and fairness, demand that the Waiver Request be denied.

II. GRAY'S ARGUMENT THAT THE COMPLAINT IS TIME-BARRED IS WITHOUT MERIT

Conceding that KRDK-TV is legally entitled to positioning on Channel 4 absent Commission action on its Waiver Request, Gray attempts to argue that Parker's Complaint is time-barred due to being filed more than 60 days after Cable One's denial of carriage. Gray bases this conclusion on a strained reading of Parker's correspondence with Cable One as attached to the Complaint and on an e-mail that Gray was sent by a MVPD other than Cable One. In light of all of the facts of the situation, however, Gray's conclusion is clearly incorrect. First, the August letter that Gray finds conclusive (although that it admittedly has never seen), was not in fact a carriage demand. Moreover, even had that letter constituted a demand for carriage, Cable One did not deny carriage until February 11, 2016.

As the Commission is aware, MMBI closed on its acquisition of Parker, and KRDK-TV, after the October 1, 2014 deadline for making must-carry/retransmission consent elections for the 2015-2017 election cycle. Because the previous owner of the station (with Gray's agreement) had not made an affirmative election, but rather had defaulted to must-carry on Cable One and other

³ Major Market Broadcasting of North Dakota, Inc. ("MMBI") acquired KRDK-TV through a purchase of the stock of Parker from its previous owners.

MVPD systems in the market, and to ensure that all MVPDs in the market were aware of that election, and to re-affirm that the new owners of the station intended to eventually enforce the station's must-carry rights, MMBI delivered a letter, a copy of which is attached hereto as Exhibit A, that re-stated the Station's must-carry status.⁴ This letter further included language designed to address the concerns of any MVPD who may have considered KRDK-TV to be a "new station" under the rules due to its change in ownership and complete overhaul of its programming. What this letter did not do, however, was to allege that Cable One was at that time violating its carriage obligations with regard to KRDK-TV or to demand compliance with those obligations. As such, that letter did not trigger any filing deadlines for Parker.

Even if the August 1 letter were deemed to be a demand for carriage to Cable One, however, it still would not result in the Complaint being time-barred. Under Commission precedent, a television station's carriage demand is not deemed to be denied if the parties are engaged in "ongoing negotiations."⁵ Here, there in fact were clearly such ongoing negotiations between Parker and Cable One regarding carriage of the Station. Indeed, it is telling that while Gray has decided, without evidence, to claim that Parker's Complaint is time-barred, the actual party to that complaint, Cable One, has raised no such defense, as it is obviously aware of the existence and import of such negotiations. On August 4, 2015, Parker's principal owner met in person with representatives of Cable One in Fargo to discuss carriage of the station. As shown in Exhibit B hereto, negotiations regarding signal delivery and channel positioning continued with e-mail exchanges between Cable

⁴ Affirmative elections for mandatory carriage were made for DISH and DirecTV.

⁵ See *Sage Broadcasting Corp. v. Brownwood Cable Television Services, Inc.*, 17 FCC Rcd 10567, 10569 (2002), citing *Prime Time Christian Broadcasting, Inc. v. TCI Cablevision of New Mexico, Inc.*, 16 FCC Rcd 7919, 1922 (2001).

One and Parker through the remainder of 2015.⁶ By January, Parker determined that, absent a Commission decision on either Gray's Waiver Request, or a channel positioning complaint filed for KRDK-TV, negotiations were unlikely to successfully resolve the Station's carriage on Cable One's systems. As a result, Parker sent the January 25, 2016 letter formally demanding carriage of the Station and channel positioning on Channel 4 as a prerequisite for filing a carriage complaint. Cable One responded by letter dated February 11, for the first time denying KRDK-TV's request for carriage on Channel 4.

It was only with this formal denial of the Station's requested carriage and channel positioning that Parker was entitled to file a carriage complaint with the Commission. Parker did so on March 2, 2016, well within the 60-day deadline established in the Commission's Rules. As a result, Gray's claim that the Complaint is time-barred must be dismissed. Because Parker requests only the channel positioning rights afforded to KRDK-TV under the Communications Act, the FCCC's rules, and Commission precedent, the Complaint must be granted. Gray's Waiver Request should also be dismissed with prejudice as without legal basis or policy justification, for the reasons Parker has detailed in its Opposition to that request.⁷

⁶ The failure of these negotiations to result in carriage sooner is likely due in large part to the filing of Gray's Waiver Request.

⁷ See Parker's Opposition to Petition for Waiver and Request for Reassignment of PSIP Channels, filed October 21, 2015.

Respectfully submitted,

PARKER BROADCASTING OF DAKOTA LICENSE, LLC

By: /s/ Davina S. Sashkin
Davina S. Sashkin
Peter Tannenwald
Daniel A. Kirkpatrick
Its Counsel

FLETCHER, HEALD & HILDRETH, PLC
1300 North 17th Street, Suite 1100
Arlington, VA 22209
(703) 812-0400

April 6, 2016

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In re:)	
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Parker Broadcasting of Dakota License, LLC)	
)	MB Docket No. 16-69
Must-Carry Complaint Regarding)	CSR-8921-M
Television Station KRDK-TV,)	
Valley City, North Dakota)	
To: Office of the Secretary		
Attn: Chief, Media Bureau		

DECLARATION OF RAVI KAPUR

1. My name is Ravi Kapur. I am the Managing Member of Parker Broadcasting of Dakota License, LLC, licensee of KRDK-TV.
2. I have reviewed the foregoing Reply to Comments and all factual matters set forth therein are true to the best of my knowledge and belief. To the best of my knowledge, information, and belief formed after reasonable inquiry, the foregoing Reply to Comments is well grounded in fact; warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; and is not interposed for any improper purpose.
3. I would like to add some ‘color’ on this matter as it is imperative Gray’s false assertions are challenged. First, there was no ‘understanding’ at any time with their organization to change KRDK’s channel number. Obtaining Channel 4 was an essential part of the transaction.

In an environment where Gray Television was able to circumvent the FCC’s own edict and control the CBS, NBC and Me TV affiliations in a market with fewer than eight commercial television stations, KRDK’s only ability to compete as a true independent was to build upon the legacy of the Channel 4 brand. Without it, our ability to gain mind and market share would be irreparably harmed.

Gray, through press releases and video promotion on its own website⁸, has touted their role in promoting diversity in ownership. But in truth, only 2 of the 6 stations they sold were allocated to minority-owned organizations (our group and Chang Broadcasting). The reason Gray made such overt declarations about their diversity record is clear to anyone who logs on to their website, gray.tv, and notes Gray Television’s own management and ownership structure.

⁸ <http://gray.tv/index.php?page=about-us>

The lack of diversity on display is stunning. It's hard to believe that I write this in 2016 amid the most diverse White House and FCC administrations we've ever seen.

Here is what Gray reports as of April 6, 2016, as listed on gray.tv:

Governance of Gray is maintained by 16 people -- not one person is of color.⁹

Senior leadership of Gray is overseen by 6 people -- not one person is of color.¹⁰

Gray's Board of Directors consists of 8 people and not one person is of color.¹¹

Of the 48 television stations they own and operate, only 3 people of color are General Managers.¹²

Of the 51 news entities they control, only 2 news directors are people of color.¹³

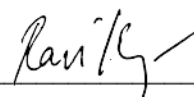
The number of women Gray employ in management is also abominable, with numbers below 20% according to their own records.

I write this knowing that Gray and other broadcast groups with poor track records of diversity will be upset with me. But the facts are the facts. And we as an industry should no longer accept misstatements and half-truths to rule the day.

This specific dispute is all about maintaining dominance in the Fargo market, while putting an "ungrateful minority" in his place. Not only is the law is clear -- we should win on the merits alone -- but we've invested hundreds of thousands of dollars to bring KRDK to life.

KRDK now airs more local, regional, national and children's programming than anyone in the Fargo DMA, featuring 10 subchannels in all over-the-air for free. We've truly woken up the marketplace and provided for the first time real diversity in programming and approach.

This is the real reason why Gray will go to any extreme to take away our rightful channel. To look at it otherwise is to ignore the facts.



Ravi Kapur
Managing Member
Parker Broadcasting of Dakota License, LLC
04 / 06 / 2016

⁹ <http://gray.tv/index.php?page=governance>

¹⁰ <http://gray.tv/index.php?page=corporate-directory>

¹¹ <http://quotes.wsj.com/GTNA/company-people>

¹² <http://gray.tv/index.php?page=general-managers>

¹³ <http://gray.tv/index.php?page=news-directors>

EXHIBIT A

KRDK-TV Channel 4
The Station For All.

Major Market Broadcasting of North Dakota, Inc.
2118 Walsh Avenue, Suite 208
Santa Clara, California 95050
415.886.7284

August 1, 2015

Via Email & US Certified Mail - Confirmation requested

Scott Geston
Cable One, Inc.
1024 Page Drive
Fargo, ND 58103

Re: Carriage of Station KRDK-TV, Valley City, North Dakota ("Station" or "KRDK")

Dear Mr. Geston,

Major Market Broadcasting of North Dakota, Inc. is the proud new owner and operator of television station KRDK-TV, Channel 4, (formerly known as KXJB-TV) assigned to the Fargo-Valley City, ND Designated Market Area ("DMA"), and licensed to Parker Broadcasting of Dakota, LLC.

In accordance with Section 614 of the Cable Television Consumer Protection and Competition Act of 1992 and Section 76.64(f) of the Rules and Regulations of the Federal Communications Commission ("Commission"), KRDK, licensed to Valley City, North Dakota, asks for mandatory carriage pursuant to Section 76.56(b) on your systems serving Fargo, Moorhead, Cass County and any other cities, communities and unincorporated portions of the counties served by your systems that are within the Fargo/Grand Forks, North Dakota DMA. Our full power Station is licensed to a community within the Fargo/Grand Forks DMA and is therefore entitled to mandatory carriage for the current election period beginning 60 days from the receipt of this notice and ending on December 31, 2017.

KRDK (formerly KXJB) has been carried on your system in the DMA and intends to continue to provide its signal to cable systems over-the-air on channel 38, or, where necessary, via the Dakota Carrier Network, in order to ensure a good quality signal will be received at all cable headends. Please arrange for the member of your staff responsible for engineering issues to communicate immediately with us so arrangements can be made for the timely installation of any necessary equipment.

This will further notify you that the Station requests carriage on cable channel 4, which is the Station's authorized over-the-air channel.

You will be pleased to know we are offering high definition programming on our primary channel, featuring stellar live & local sports content, as well as a bevy of standard definition digital subchannels featuring news, information and entertainment your subscribers will truly marvel and enjoy.

We look forward to a long and fruitful relationship with you and your team.
Please contact me with any questions you may have.

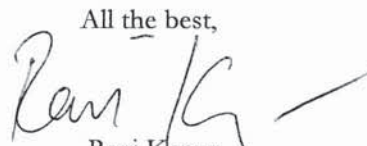
All the best,

Ravi Kapur
KRDK-TV President

EXHIBIT B



Ravi Kapur <ravi@chicago22.com>

KRDK Channel 4 Must Carry Notice - Cable One

15 messages

Ravi Kapur <ravi@chicago22.com>
To: scott.geston@cableone.biz

Mon, Aug 17, 2015 at 8:04 PM

Hi Scott...

It was great to finally meet you in person!

Attached is KRDK's formal must carry notice, along with a look at what's in store over-the-air and hopefully via Cable One in just a couple of weeks!

All the best, Ravi

--

Ravi Kapur
Principal

WRJK-TV Channel 22
Chicago, Illinois

KAXT-TV Channel 1
San Francisco - Oakland - San Jose

KRDK-TV Channel 4
Fargo/Grand Forks, North Dakota

mobile: [650.784.3717](tel:650.784.3717)
office: [415.886.7284](tel:415.886.7284)

2 attachments



KRDK Must Carry 2015 - Cable One.pdf
533K



KRDK Channel Lineup August 2015.pdf
655K

Geston, Scott <Scott.Geston@cableone.biz>
To: Ravi Kapur <ravi@chicago22.com>

Tue, Aug 18, 2015 at 1:12 PM

Ravi, Thanks for stopping by when you were in Fargo. I enjoyed meeting you. I will forward this request for review and will get back to you once that is complete.

Scott

From: Ravi Kapur [mailto:ravi@chicago22.com]
Sent: Monday, August 17, 2015 10:04 PM
To: Geston, Scott
Subject: KRDK Channel 4 Must Carry Notice - Cable One

[Quoted text hidden]

Ravi Kapur <ravi@chicago22.com>
To: "Geston, Scott" <Scott.Geston@cableone.biz>

Tue, Aug 18, 2015 at 2:33 PM

Thanks!

[Quoted text hidden]

Ravi Kapur <ravi@chicago22.com>
To: "Geston, Scott" <Scott.Geston@cableone.biz>

Tue, Oct 6, 2015 at 4:20 PM

Hi Scott...
How are things proceeding in terms of carrying KRDK?
Thanks, Ravi
[Quoted text hidden]

Geston, Scott <Scott.Geston@cableone.biz>
To: Ravi Kapur <ravi@chicago22.com>

Wed, Oct 7, 2015 at 6:40 AM

Hello Ravi, Bryon, Our Technical Operations Manager is trading emails with Tom from BEK about a colocation spot in town. If the cost is too expensive to build we'll look at picking up your primary feed off-air. Also, if we can interconnect with your carrier will there be any ongoing fees for that? We've noticed 4.1 is not on air yet. What is the status of that and what is going to be your primary feed? Thanks

Scott

From: Ravi Kapur [mailto:ravi@chicago22.com]
Sent: Tuesday, October 06, 2015 6:21 PM
To: Geston, Scott
Subject: Re: KRDK Channel 4 Must Carry Notice - Cable One

[Quoted text hidden]

Ravi Kapur <ravi@chicago22.com>
To: "Geston, Scott" <Scott.Geston@cableone.biz>

Wed, Oct 7, 2015 at 11:57 AM

Scott...
From what I recall, CableOne is already outfitted with a HD connection from Bek. So you can light up 4.1, 4.2 now & the rest in short order.

4.1 & 4.2 are being fed in HD via the Bek VLAN & in SD over-the-air.

If you can't pick up 4.1 now OTA, you may just need to rescan your tuner since we changed encoders last week.

People are watching and are thrilled.
Just look at our Facebook page.
<https://m.facebook.com/KRDKTV/>

Please let me know what the timeline is for launch when you can.

Thanks, Ravi

P.S. Cozi TV is our primary feed.

Ravi Kapur
Principal
WRJK-TV Channel 22
Chicago
Mobile: 650.784.3717
ravi@chicago22.com

[Quoted text hidden]

Geston, Scott <Scott.Geston@cableone.biz>
To: Ravi Kapur <ravi@chicago22.com>

Wed, Oct 7, 2015 at 2:05 PM

Ravi, What is the status of your talks with Gray about channel 4? Our tech still can see 4.1 OTA. When will that be on? The must carry notice is only for your primary feed. Still waiting to hear from Tom at BEK and if there are costs with the interconnection who will pay for that? Thanks, Scott

From: Ravi Kapur [mailto:ravi@chicago22.com]
Sent: Wednesday, October 07, 2015 1:58 PM
To: Geston, Scott

[Quoted text hidden]

[Quoted text hidden]

Ravi Kapur <ravi@chicago22.com>
To: "Geston, Scott" <Scott.Geston@cableone.biz>

Wed, Oct 7, 2015 at 2:56 PM

4.1 is our primary and is on the air ready to be carried.
We have the rights to Channel 4 legally via the FCC.
Gray has no rights to it, but Jim is good at playing poker.
We are willing to go to another channel for our primary provided our subs are carried.
So it's your call. We will enforce Channel 4, but are happy to strike something with you that makes it easier for all parties.
As for costs, I imagine they are no different than costs you absorb under standard must-carry/retrans arrangements.

[Quoted text hidden]

Geston, Scott <Scott.Geston@cableone.biz>
To: Ravi Kapur <ravi@chicago22.com>

Thu, Oct 8, 2015 at 1:30 PM

Ravi, I think the channel 4 thing needs to be resolved between you and Jim. Must Carry is only for primary feed. Still seeing nothing on 4.1 OTA. Is your real off air number 38.1?

From: Ravi Kapur [mailto:ravi@chicago22.com]
Sent: Wednesday, October 07, 2015 4:56 PM

[Quoted text hidden]

[Quoted text hidden]

Ravi Kapur <ravi@chicago22.com>

Thu, Oct 8, 2015 at 3:25 PM

To: "Geston, Scott" <Scott.Geston@cableone.biz>

Scott...

Do you have a moment to chat?

I'd like to clarify the situation for you. You can reach me on my cell now or we can speak in the morning.

Thanks, Ravi

Ravi Kapur
Principal
WRJK-TV Channel 22
Chicago
Mobile: 650.784.3717
ravi@chicago22.com

----- Original message -----

From: "Geston, Scott" <Scott.Geston@cableone.biz>

[Quoted text hidden]

Geston, Scott <Scott.Geston@cableone.biz>

Mon, Oct 12, 2015 at 6:29 AM

To: Ravi Kapur <ravi@chicago22.com>

I'm pretty open this AM. How about you?

From: Ravi Kapur [mailto:ravi@chicago22.com]

Sent: Thursday, October 08, 2015 5:25 PM

[Quoted text hidden]

[Quoted text hidden]

Ravi Kapur <ravi@chicago22.com>

Mon, Oct 12, 2015 at 7:06 AM

To: "Geston, Scott" <Scott.Geston@cableone.biz>

How's 10:30 am Central?

What's the best number to call you?

Ravi Kapur
Principal
WRJK-TV Channel 22
Chicago
Mobile: 650.784.3717
ravi@chicago22.com

----- Original message -----

From: "Geston, Scott" <Scott.Geston@cableone.biz>

[Quoted text hidden]

Geston, Scott <Scott.Geston@cableone.biz>

Mon, Oct 12, 2015 at 7:17 AM

To: Ravi Kapur <ravi@chicago22.com>

11:30 might work better. I currently have conflicts 10:30 to 11:30 and 1:00 to 3:00 today

From: Ravi Kapur [mailto:ravi@chicago22.com]

Sent: Monday, October 12, 2015 9:07 AM

[Quoted text hidden]

[Quoted text hidden]

Ravi Kapur <ravi@chicago22.com>
To: "Geston, Scott" <Scott.Geston@cableone.biz>

Mon, Oct 12, 2015 at 8:13 AM

11:30 should work too.
You can reach me on my cell phone listed below. Thanks.

Ravi Kapur
Principal
WRJK-TV Channel 22
Chicago
Mobile: 650.784.3717
ravi@chicago22.com

----- Original message -----

From: "Geston, Scott" <Scott.Geston@cableone.biz>

[Quoted text hidden]

Ravi Kapur <ravi@chicago22.com>
Draft To: "Geston, Scott" <Scott.Geston@cableone.biz>

Thu, Oct 8, 2015 at 3:13 PM

Scott...

With all due respect to Jim, we are authorized to be Channel 4 by the FCC. You can see it here:

<https://stations.fcc.gov/station-profile/krdk-tv>

4.1 is on the air now. It is our primary feed. Our RF channel is 38, but that is not to be confused with our virtual channel which is 4.

It's just like KVLV-TV is on RF 44, but virtual channel 11.

Please note that we are open to being on another low cable channel number, but Jim is not authorized to dictate to you or to us what channel that would be.

Perhaps we can speak on the phone now or tomorrow to be on the same page. I'm

Thanks, Ravi

Ravi Kapur
Principal
WRJK-TV Channel 22
Chicago
Mobile: 650.784.3717
ravi@chicago22.com



Ravi Kapur <ravi@chicago22.com>

RE: KRDK Channel 4 Must Carry Notice - Cable One

6 messages

Ravi Kapur <ravi@chicago22.com>

Tue, Oct 27, 2015 at 9:32 PM

To: "Geston, Scott" <Scott.Geston@cableone.biz>

Hey Scott...
How are things progressing?
We'd love to be up this week.
- Ravi

Ravi Kapur
Principal
WRJK-TV Channel 22
Chicago
Mobile: [650.784.3717](tel:650.784.3717)
ravi@chicago22.com

----- Original message -----

From: "Geston, Scott" <Scott.Geston@cableone.biz>
Date: 10/12/2015 7:17 AM (GMT-08:00)
To: Ravi Kapur <ravi@chicago22.com>
Subject: RE: KRDK Channel 4 Must Carry Notice - Cable One

[11:30 might work better. I currently have conflicts 10:30 to 11:30 and 1:00 to 3:00 today](#)

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Ravi Kapur

Principal

WRJK-TV Channel 22

Chicago

Mobile: 650.784.3717

ravi@chicago22.com

----- Original message -----

From: "Geston, Scott" <Scott.Geston@cableone.biz>

Date: 10/08/2015 4:30 PM (GMT-05:00)

To: Ravi Kapur <ravi@chicago22.com>

Subject: RE: KRDK Channel 4 Must Carry Notice - Cable One

Ravi, I think the channel 4 thing needs to be resolved between you and Jim. Must Carry is only for primary feed. Still seeing nothing on 4.1 OTA. Is your real off air number 38.1?

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Sent: Wednesday, October 07, 2015 4:56 PM
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Ravi Kapur

Principal

WRJK-TV Channel 22

Chicago

Mobile: [650.784.3717](tel:650.784.3717)

ravi@chicago22.com

----- Original message -----

From: "Geston, Scott" <Scott.Geston@cableone.biz>

Date: 10/07/2015 8:40 AM (GMT-06:00)

To: Ravi Kapur <ravi@chicago22.com>

Subject: RE: KRDK Channel 4 Must Carry Notice - Cable One

Hello Ravi, Bryon, Our Technical Operations Manager is trading emails with Tom from BEK about a colocation spot in town. If the cost is too expensive to build we'll look at picking up your primary feed off-air. Also, if we can interconnect with your carrier will there be any ongoing fees for that? We've noticed 4.1 is not on air yet. What is the status of that and what is going to be your primary feed? Thanks

Scott

From: Ravi Kapur [<mailto:ravi@chicago22.com>]

Sent: Tuesday, October 06, 2015 6:21 PM

To: Geston, Scott

Subject: Re: KRDK Channel 4 Must Carry Notice - Cable One

Hi Scott...

How are things proceeding in terms of carrying KRDK?

Thanks, Ravi

On Tue, Aug 18, 2015 at 2:33 PM, Ravi Kapur <ravi@chicago22.com> wrote:

Thanks!

On Tue, Aug 18, 2015 at 1:12 PM, Geston, Scott <Scott.Geston@cableone.biz> wrote:

Ravi, Thanks for stopping by when you were in Fargo. I enjoyed meeting you. I will forward this request for review and will get back to you once that is complete.

Scott

From: Ravi Kapur [mailto:ravi@chicago22.com]
Sent: Monday, August 17, 2015 10:04 PM
To: Geston, Scott
Subject: KRDK Channel 4 Must Carry Notice - Cable One

Hi Scott...

It was great to finally meet you in person!

Attached is KRDK's formal must carry notice, along with a look at what's in store over-the-air and hopefully via Cable One in just a couple of weeks!

All the best, Ravi

--

Ravi Kapur
Principal

WRJK-TV Channel 22

Chicago, Illinois

KAXT-TV Channel 1

San Francisco - Oakland - San Jose

KRDK-TV Channel 4

Fargo/Grand Forks, North Dakota

mobile: [650.784.3717](tel:650.784.3717)

office: [415.886.7284](tel:415.886.7284)

--

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Geston, Scott <Scott.Geston@cableone.biz>
To: Ravi Kapur <ravi@chicago22.com>

Wed, Oct 28, 2015 at 3:11 PM

Ravi, Have you worked out channel placement with Jim yet. If a move is required it will require a 30 day notice once that is communicated by both of you.

Scott

From: Ravi Kapur [mailto:ravi@chicago22.com]
Sent: Tuesday, October 27, 2015 11:32 PM

[Quoted text hidden]

[Quoted text hidden]

Ravi Kapur <ravi@chicago22.com>
To: "Geston, Scott" <Scott.Geston@cableone.biz>

Fri, Oct 30, 2015 at 1:00 PM

Scott...

As you know, KRDK has the must carry rights to Channel 4 in the Fargo market.

Gray has petitioned for them, but we still have them and have submitted a very forceful response with the FCC. In case you haven't seen it yet, it's attached. The law is very clear on this.

You may recall I am open to a compromise in channel position provided our subchannels are carried. If you are open to this, please let me know. We want to work with you.

Please do not allow Gray's interference to delay KRDK's launch further. They have no standing at all in our relationship.

Thanks, Ravi

[Quoted text hidden]



Opposition to Petition for Waiver.2015.10.21 STAMPED COPY (00843905xB3D1E).pdf
980K

Ravi Kapur <ravi@chicago22.com>
To: "Geston, Scott" <Scott.Geston@cableone.biz>

Mon, Nov 9, 2015 at 1:38 PM

Any updates, Scott?
KRDK should be on the air by now.
- Ravi

[Quoted text hidden]

Geston, Scott <Scott.Geston@cableone.biz>
To: Ravi Kapur <ravi@chicago22.com>

Wed, Nov 18, 2015 at 2:37 PM

Ravi, I'm still engaging our technical folks to see if there is a common colocation point where we can pick up your signal other than off air. I'm told there is a point but I believe permission is required so we'll see where that goes. Have you made any progress with Jim on the channel 4 slot? Thanks

Scott

From: Ravi Kapur [mailto:ravi@chicago22.com]
Sent: Monday, November 09, 2015 3:39 PM

[Quoted text hidden]

[Quoted text hidden]

Ravi Kapur <ravi@chicago22.com>
To: "Geston, Scott" <Scott.Geston@cableone.biz>

Wed, Nov 18, 2015 at 8:09 PM

Scott...
From our standpoint, as well as the FCC's, KRDK has the rights to Channel 4 in the Fargo DMA. Gray made a request, but they have not been granted it (nor will they be by law) and they have no say in our agreement.

As I've mentioned before, we are willing to be on another channel to make this process easier for you, provided our subchannels are carried.

Frankly, we should already be on Channel 4 by now. So please let me know what timeline you are working with to add us. Gray & everyone in the market has known for one year this change was on the horizon.

- Ravi
[Quoted text hidden]



Ravi Kapur <ravi@chicago22.com>

KRDK Transport - Cable One

1 message

Ravi Kapur <ravi@chicago22.com>

Fri, Nov 20, 2015 at 1:18 PM

To: "Geston, Scott" <scott.geston@cableone.biz>, Derrick Bulawa <derrick@bektel.coop>, Tom Steinolfson <toms@bektel.coop>

Hi Scott...

After conferring with Derrick & Tom at BEK, it seems as if there's a technical solution that will work for all parties.

Thus, I wanted to formally give my authority to have Cable One receive the KRDK signal from DCN at an agreed interconnection point.

In addition, we are granting authority to transport the KRDK signals to both Dish and DirecTV in the manner BEK has suggested.

Please let know if there are any questions.

Thanks, Ravi

--

Ravi Kapur
Principal

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Chicago, Illinois

KAXT-TV Channel 1
San Francisco - Oakland - San Jose

KRDK-TV Channel 4
Fargo/Grand Forks, North Dakota

mobile: 650.784.3717
office: 415.886.7284



Ravi Kapur <ravi@chicago22.com>

KRDK Channel 4 launch on Cable One

3 messages

Ravi Kapur <ravi@chicago22.com>

Wed, Jan 6, 2016 at 5:50 PM

To: "Geston, Scott" <scott.geston@cableone.biz>

Hi Scott...
Happy New Year!

It's been weeks since I've heard from you, so I'm unclear as to what the hold up is with launching KRDK on Channel 4.

Our engineering team says everything is in place and has been for months. Not only do we have a SD feed over-the-air for free, but they are providing our HD feed to you at no cost as well.

Could you fill me in on what challenges remain? We are legally entitled to Channel 4 in the Fargo market, as has been made abundantly clear by our attorneys, Gray's attorneys and, I'm sure, your attorneys as well.

We are many, many months behind the mandatory time allotted by the FCC, so let's please get this done right away so things don't escalate further.

Please confirm a timetable when you get a moment.
Thanks, Ravi

--

Ravi Kapur
Principal

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Chicago, Illinois

KAXT-TV Channel 1
San Francisco - Oakland - San Jose

KRDK-TV Channel 4
Fargo/Grand Forks, North Dakota

mobile: 650.784.3717
office: 415.886.7284

Geston, Scott <Scott.Geston@cableone.biz>

Fri, Jan 8, 2016 at 8:50 AM

To: Ravi Kapur <ravi@chicago22.com>

Ravi, Sorry for the delay in response. We have counsel engaged and expect an opinion soon on the channel 4 request. I will let you know once I hear back from them.

Scott

From: Ravi Kapur [mailto:ravi@chicago22.com]

Sent: Wednesday, January 06, 2016 7:51 PM

To: Geston, Scott

Subject: KRDK Channel 4 launch on Cable One

[Quoted text hidden]

Ravi Kapur <ravi@chicago22.com>

Fri, Jan 8, 2016 at 7:47 PM

To: "Geston, Scott" <Scott.Geston@cableone.biz>

I do appreciate it, Scott.

It has been far too long frankly, so I hope this is addressed next week.

Thanks, Ravi

[Quoted text hidden]

CERTIFICATE OF SERVICE

I, Davina S. Sashkin, hereby certify that on this 6th day of April, 2016, I caused a copy of the foregoing “Reply to Comments” to be served via U.S. mail, postage prepaid, upon the following:

KBRR, KJRR, KNRR, KVR Red River Broadcast Co., LLC P.O. Box 9115 Fargo, ND 58106	KCPM G.I.G. of North Dakota, LLC P.O. Box 88336 Sioux Falls, SD 57109
KVLY-TV Gray Television Licensee, LLC 4370 Peachtree Rd NE Atlanta, GA 30319	WDAY-TV, WDAZ-TV Forum Communications Company 301 8 th St. S PO Box 2466 Fargo, ND 58103
Tekstar Communications, Inc. 150 Second Avenue Southwest Perham, MN 56573	Lortel Systems, Inc. 13 E. 4 th Ave, Box 72 Ada, MN 56510
Cable One, Inc. 210 E. Earll Drive Phoenix, AZ 85012	City of Barnesville MN 102 Front St N, PO 550 Barnesville, MN 56514
Cable One, Inc. 1314 North Third Street 3 rd Floor Phoenix, AZ 85004	Viking Electronics Inc 110 4 th Street East Park River, ND 58270
Midcontinent Communications 3901 North Louise Ave Sioux Falls, SD 57107	Garden Valley Telephone Company 201 Ross Avenue PO Box 259 Erskine, MN 56535
City of Bagley Minnesota-Public Utilities Dept 18 Main Ave S PO Box M Bagley, MN 56621	Sjobergs Cablevision Inc 315 North Main Avenue Thief River Falls, MN 56701
Wikstrom Systems LLC 212 South Main PO Box 217 Karlstad, MN 56732	City of Fosston Minnesota 220 East First St Fosston, MN 56542

Otter Com Inc. 100 Main Street Underwood, MN 56586	Red River Rural Telephone Association 510 Broadway PO Box 136 Abercrombie, ND 58001
Cable Services In PO Box 608 Jamestown, ND 58402	Daktel Communications, LLC 630 5 th St N PO Box 299 Carrington, ND 58421
Dickey Rural Services, Inc 9628 Hwy 281 PO Box 69 Ellendale, ND 58436	Maddock Area Development Corp 306 2 nd St Maddock, ND 58348
NDTC 211 22 nd Street NW PO Box 180 Devils Lake, ND 58301	MLGC LLC 301 Dewey Street Enderlin, ND 58027
United Telephone Mutual Aid Corp 411 7 th Avenue PO Box 729 Langdon, ND 58249	Central Dakota TV Inc. 630 5 th St N PO Box 299 Carrington, ND 58421
DISH Network, L.L.C. 9601 S. Meridian Blvd. Englewood, CO 80112	DIRECTV, Inc. 2260 E. Imperial Hwy El Segundo, CA 90245
Bek Communications Cooperative 200 E Broadway PO Box 230 Steele, ND 58482	Fargo City Commission 200 North Third Street Fargo, ND 58102
West Fargo City Commission 800 4 Avenue East Suite 1 West Fargo, ND 58078	City Manager City of Moorhead 500 Center Avenue 3 rd Floor Moorhead, MN 56560
City Administrator City of Dilworth PO Box 187 2 1 st Avenue SE Dilworth, MN 56529	Cass County Commission Cass County Courthouse 211 9 th Street South Fargo, ND 58103

City of Prairie Rose 3287 41 st Avenue South Prairie Rose, ND 58104	City of Frontier 5202 32 nd Street S Frontier, ND 58104
City of Briarwood 8 Briarwood Place Briarwood, ND 58104	Melissa Quern Clerk, Reed Township 413 19 th Ave NW West Fargo, ND 58102

/s/ Davina S. Sashkin